

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

UNITED STATES OF AMERICA)
v.)
JED MICHAEL MILHORNE,)
Defendant.)
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Case No. 1:10CR00049
ORDER
By: James P. Jones
United States District Judge

For the reasons set forth in the Opinion accompanying this Final Order, it is ORDERED that the defendant's "MOTION FOR A MODIFICATION OF JUDGMENT" (ECF No. 43) is CONSTRUED as a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C.A. § 2241; the Clerk is DIRECTED to docket the pleading (ECF No. 43) as a § 2241 petition, and this Order, in a separate civil action for administrative reasons only; the defendant's motion (ECF No. 43) and the civil action under § 2241 are hereby DISMISSED; and both are stricken from the active docket of the court.

ENTER: August 28, 2013

/s/ James P. Jones
United States District Judge